

## **TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 8500 and 9003 of the Fish and Game Code and to implement, interpret or make specific sections 8500, 9003 and 9008 of said Code, proposes to amend Sections 180.2, Title 14, California Code of Regulations, relating to trap destruction devices.

### **Informative Digest/Policy Statement Overview**

Existing regulations in Section 180.2, Title 14, CCR, require that all traps used for commercial fishing in California must contain a trap destruction device and lists the approved destruct attachment materials. The specifications for the device approved for use in Dungeness crab traps are contained in two identically numbered subsections (subsection 180.2(c)). One of these sections is current law and was intended to become inoperative on July 16, 2003. At this time, the replacement section was to become operative.

These proposed regulatory changes would extend the effective period of the currently active subsection 180.2(c), from July 16, 2003 to July 16, 2006. Its replacement subsection 180.2(c) would become effective July 16, 2006. This date extension is necessary for the Department of Fish and Game to adequately study these trap destruction devices.

Also proposed are regulatory changes to better define subsection (b)(3). These changes would add the word "uncoated" to better describe the bare metal clips used as the destruct material on traps, and would remove an out-dated phrase "J clips".

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mammoth Lakes Community Center, 1000 Forest Trail, Mammoth Lakes, California, on Friday, June 20, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted to the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@dfg.ca.gov](mailto:FGC@dfg.ca.gov), but must be received no later than June 20, 2003, at the hearing in Mammoth Lakes, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding address or phone number. Eric Larson, California Department of Fish

and Game, phone (650) 631-6788, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at [http://www.dfg.ca.gov/fg\\_comm/](http://www.dfg.ca.gov/fg_comm/).

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete With Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The principal proposed regulatory changes provide for an extension of a sunset date for the reversion of the regulations defining trap destruction device opening requirements. At the time the sunset date becomes effective, the allowance for more than a single wire mesh to protrude into the destruct device opening will expire. The extension of the sunset date will require no action on the part of the California Dungeness crab fishermen or related businesses. The additional proposed regulatory changes are minor language revisions for clarity purposes only. Subsequently, there will be no direct or indirect economic impacts associated with any of the regulatory changes proposed.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District That Is Required to Be Reimbursed under Part 7 (Commencing with Section 17500) of Division 4: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: April 22, 2003

John M. Duffy  
Assistant Executive Director